

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

|                               |   |                                 |
|-------------------------------|---|---------------------------------|
| IN RE: ETHICON, INC.          | ) |                                 |
| PELVIC REPAIR SYSTEM          | ) | MDL Docket No.: 2:12-MD-02327   |
| PRODUCTS LIABILITY LITIGATION | ) | Civil Action No.: 2:15-cv-08736 |
|                               | ) |                                 |
|                               | ) | JOSEPH R. GOOWIN                |
|                               | ) | U.S. DISTRICT JUDGE             |
| THIS DOCUMENT RELATES TO:     | ) |                                 |
| SUSAN HOLMAN, Plaintiff       | ) | MDL 2327                        |

**PLAINTIFF'S RESPONSE TO**

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY WITH PTO 280,  
OR, ALTERNATIVELY, FOR CLARIFICATION OF EXPERT DISCLOSURE  
DEADLINE RELATING TO SUSAN HOLMAN**

1. Defendants' June 13, 2018 motion claims plaintiff's case is a Wave 8 case, and as such, had an expert disclosure and report deadline of June 4, 2018.
2. Prior thereto, Plaintiff, Susan Holman, took issue with being termed a non-revision plaintiff and filed a motion regarding same.
3. As a result, Plaintiff understood she could file an election form choosing to proceed under the deadlines of PTO 293.
4. For that reason, on April 27, 2018, Plaintiff filed such election form.
5. PTO 293 set a deadline of July 30, 2018, *not* June 4, 2018, for Plaintiff to serve Rule 26 expert disclosures and reports.
6. Thereafter, PTO 298 then indicates that Plaintiff, as a result of being on the Second Amended Exhibit A, was not presently subject to any wave discovery order of this Court. As such, a deadline of August 29, 2018, *not* June 4, 2018, was set for Plaintiff to serve Rule 26 disclosures and reports.

WHEREFORE, Plaintiff prays for an Order of this Court denying Defendants' motion to dismiss as said motion applies to Susan Holman for the reasons set forth above; Plaintiff respectfully asks the Court to clarify for Plaintiff if her expert disclosure deadline is July 30, 2018 or August 29, 2018; and Plaintiff respectfully asks the Court to clarify if Plaintiff is in any wave, and if so, which wave; and for all other just and proper relief in the premises.

Rcspcctfully,

/s/ Brock P. Alvarado  
Brock P. Alvarado  
(IN Bar #16348-45)  
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Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of June, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s Brock P. Alvarado  
Brock P. Alvarado (#16348-45)